(157) (141) (157) L/C 160

December 23, 1977

Dear Senator Abourezk:

The Secretary has asked me to reply to your letter of December 7 concerning your questions regarding the attack on the USS Liberty by the Government of Israel on June 8, 1967.

While the USS Liberty was engaged in peaceful activities in international waters off the coast of Egypt on June 8, 1967, it was attacked by Israeli aircraft and torpedo boats. The Government of the United States protested the attack and demanded the payment of appropriate compensation, the taking of disciplinary measures which international law requires in the event of wrongful conduct by the military personnel of the state, and a guarantee that U.S. personnel and property would not be damaged or endangered by wrongful actions of the military forces of the Government of Israel. In reply the Ambassador of Israel informed the Secretary of State "that the Government of Israel is prepared to make amends for the tragic loss of life and material damage."

On December 29, 1967, our Embassy in Tel Aviv presented to the Government of Israel claims totaling $3,323,500 on behalf of the families of the 34 men killed in the attack. After negotiations, the Government of Israel paid the full amount on May 27, 1968. On March 28, 1969, our Embassy presented claims totaling $3,452,275 on behalf of the 164 injured members of the crew. The Government of Israel paid the full amount claimed on April 28, 1969. All of the claims which were presented to the Government of Israel were premised on the fact that the action of the Government of Israel violated international law.

The Honorable
James Abourezk,
United States Senate.

DEPARTMENT OF STATE A/CDC/MR
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You are correct in stating that under the laws and customs of war a neutral residing or found on the territory of a belligerent is not entitled, as a matter of legal right, to recover compensation for the destruction of his property arising from lawful operations of war. The ownership of property by a neutral subject in a belligerent state is subject to the same limitation as that of nationals of that state and neutral property may be requisitioned or destroyed whenever necessary. However, the facts and circumstances surrounding the attack on the USS Liberty were not, in the view of the Department, applicable to the laws and customs of war as stated prior hereto.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary for
Congressional Relations

cc: S/S-I

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